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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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JUL 29 2002

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600**

Roberts, Abokhair & Mardula LLC
Suite 1000
11800 Sunrise Valley Drive
Reston, VA 20191-5302

In re Application of	:	DECISION ON PETITION
Brian A Rosenfeld M.D. et al	:	TO MAKE APPLICATION
Application No. 09/443,072	:	SPECIAL (RELATING TO
Filed: November 18, 1999	:	HIV/AIDS AND CANCER)
For: SYSTEM AND METHOD FOR PROVIDING		
CONTINUOUS, EXPERT NETWORK CRITICAL		
CARE SERVICES FROM A REMOTE LOCATION(S)		

This is a decision on your petition submitted on January 10, 2001, under 37 CFR 1.102 (d) to make the above-identified application special under the procedure set forth in MPEP 708.02, Section X: Inventions Relating to HIV/AIDS and Cancer. The delay in treating this petition is sincerely regretted.

A grantable petition to make an application special under 37 CFR 1.102(d), MPEP 708.02, Section X requires a petition fee under 37 CFR 1.17(h) as well as an accompanying statement explaining how the invention contributes to the diagnosis, treatment or prevention of HIV/AIDS or cancer.

The petition includes no clear statement as to HOW the invention contributes to the treatment of HIV/AIDS or cancer. The petition does include a statement that the invention "provides for consistent and expert attention to those individuals in intensive care who are stricken with these diseases, thereby reducing mortality of such ICU patients. (See Attachment 2)." This statement, however, offers a conclusion and does not provide any details as to HOW the invention "provides for consistent and expert attention". Referring to an attached publication is also not sufficient since it is unclear how the publication relates to the invention described in the above application.

For the above stated reasons, the petition is **DISMISSED**.

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Should petitioner desire reconsideration, he should supplement this petition by a declaration or statement giving the information as outlined above. Petitioner should promptly submit such a renewed petition to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.



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snm/snm: 7/29/02